

REMARKS

The Office Action dated April 30, 2003, included the following rejections, objections, and comments:

1. Claims 1, 2, and 23-28 were provisionally rejected under the judicially created doctrine of obvious type double-patenting, as being unpatentable over Claims 1-5 and 13-23 of co-pending application 10/040,742.
2. Claims 1-3 and 23-28 were objected to because the phrase "an sorbant" should read "a sorbant".
3. Claims 1-2 were rejected under 35 USC §102(b), as being anticipated by Aoki (EP 693587).
4. Claims 23-28 were rejected under 35 USC §103(a), as being unpatentable over Aoki.

In response to these rejections, objections, and comments, and in view of the above Amendments, Applicant provides the following Remarks:

1. Provisional Rejection Of Claims 1, 2 And 23-28 As Obviousness-Type Double-Patenting Over Co-Pending S/N 10/040,742.

Claims 1, 2, and 23-18 were rejected under the judicially created doctrine of obvious type double-patenting, as being unpatentable over Claims 1-5 and 13-23 of co-pending application 10/040,742. Applicant submits herewith a Terminal Disclaimer to overcome the provisional rejection. Therefore, Applicant respectfully submits that the obviousness-type double patenting rejection has become moot.

2. Objection To Claims 1-3, And 23-28 For Certain Informalities.

Claims 1-3 and 23-28 were objected to because the phrase "an sorbant" should read "a sorbant". Applicant has included herewith amended Claims 1-3 and 23-28, making the correction. Therefore, Applicant respectfully submits that the obviousness-type double patenting rejection has become moot.

3. Rejection Of Claims 1-2 under 103 USC 102(b) as being anticipated by Aoki.

Claims 1 and 2 were rejected as being anticipated by Aoki. Aoki teaches a cloth having a water repellant coating and a hydrophilic agent coating. (See abstract and page 3, lines 7-14). Aoki discloses that the hydrophilic agent can be either a surfactant or various water soluble substances having a hydrophilic group. (See page 4, lines 20-22). As previously noted by Applicant the water soluble substances having a hydrophilic group listed by Aoki on page 5, lines 34-42, are not sorbant polymers.

As noted by the Examiner, Aoki does mention Carboxymethylcellulose. However, Applicants respectfully submit that Aoki use of Carboxymethylcellulose is not disclosed in combination with a water repellant, or with a cationic material. The notation of Carboxymethylcellulose is in the Notes to Tables 3-5, giving various Examples and Comparative Examples. In each Example where Carboxymethylcellulose is used (listed as Water-Soluble polymer 1/3), the Carboxymethylcellulose is used with a Surfactant (the hydrophilic agent of the Aoki invention) not a water repellant. Aoki makes no other reference or teaching about the use of Carboxymethylcellulose. Aoki does not teach or suggest that the Carboxymethylcellulose can be used as the hydrophilic agent in combination with a water repellant, or to use the two with a cationic material. Therefore, Applicant respectfully submits that Aoki does not disclose the combination of a repellant

finish chemical with a cationic material and a sorbant polymer, and that the present invention is novel over Aoki.

4. Rejection Of Claims 23-28 Under 35 USC §103(a) As Being Obvious Over Aoki.

Claims 23-28 were rejected as being obvious over Aoki. As previously indicated, Aoki teaches a cloth having a water repellant coating and a hydrophilic agent coating. Aoki teaches the use of a two step process for applying the water repellant finish in a first step, and then applying the hydrophilic agent in a second step. (See page 3, lines 10-14, and page 5, lines 5-12 with accompanying Tables 3-5). Tables 3-4 list various fabric treatments where the second treatment is always a surfactant, or the hydrophilic agent of Aoki (Table 5 lists various Comparative Examples, which have only one of the two components.). The reference to Carboxymethylcellulose in Aoki is only with reference to Examples 17, 22, and 27 of Tables 3 and 4, where it is used as the first treatment which subsequently receives the second treatment of the selected surfactant, or hydrophilic agent. (See page 15, Table 3, and page 16, Table 4.).

Aoki teaches the use of Carboxymethylcellulose with a hydrophilic agent. Aoki does not teach the use of Carboxymethylcellulose as the hydrophilic agent in the Aoki invention, or to use the Carboxymethylcellulose with a water repellant coating. In fact, the way that Aoki presents the Carboxymethylcellulose in Tables 3 and 4, Aoki would teach away from using Carboxymethylcellulose as the hydrophilic agent with a water repellant, and teaches towards using the Carboxymethylcellulose as a replacement for the water repellant. Therefore, Applicants respectfully submit that the claimed invention is not obvious in view of Aoki.

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Inventor(s): Cates et al.

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Applicant having addressed all of the rejections, objections, and comments in the latest Office Action, respectfully requests reconsideration and allowance of the pending claims in view of the above Amendments and Remarks. Applicant respectfully submits that the amendments submitted herewith do not add new matter to the application. In the event that the Examiner believes that the claims would be allowable with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.